

**From:** Ray Semiraglio  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

As someone who makes their living in the computer industry, I know how much is at stake in the antitrust ruling against Microsoft. As such, I feel that I should make my opinion known. In my mind there are many problems with the settlement, and many issues that it does not address. Microsoft has managed to gain complete control over the operating system market, the 'productivity' software market, the internet browser market, and is making major inroads into the hand-held and streaming media markets. I don't profess to know how to best rein Microsoft in from their anti-competitive behavior, but I do know one thing that might go a long way towards helping.

However they got into their position of power, Microsoft has gained a great deal because of it. Their stock is still considered one of the best performing out there, and they are rumored to have over \$36 billion in the bank. This last point is my problem. Microsoft has said repeatedly that they are at risk of being superceded by any company out there with a better idea. I agree that this is a possibility, as long as that company also has \$36 billion in the bank. This bankroll lets them sell at a loss or give away software to kill competitors. It lets them buy 'innovation' and weather bad economic times. It's been alleged that they use their vast storehouse of cash to smooth over earnings speed bumps. This as much as anything else gives them an unfair advantage over anyone who played by the rules and didn't establish and maintain an illegal monopoly.

More importantly, they gained this money through their anti-competitive behavior. To let them retain the bulk of the cash that was gained via (as per the findings of fact) illegal behavior would be like letting burglars keep their stolen merchandise after being convicted. So my view on the settlement is that Microsoft should be monetarily penalized, both to even the playing field, and to remove their 'ill-gotten gains.' Whether this cash should be re-distributed to stock holders, Windows users, Netscape, charity, or if it just ends up with the lawyers is for the courts to decide. But allowing them to keep it will ensure that Microsoft will be back in court again.

Thank you

Raymond Semiraglio Jr.

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